

Notice of Allowability

Application No.

09/740,989

Examiner

Christopher R. Magee

Applicant(s)

SUZUKI ET AL.

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/30/2004.
2. ☒ The allowed claim(s) is/are 1-4, 6 and 8-15.
3. ☒ The drawings filed on 4/12/2004 and 5/14/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2004 has been entered.

Response to Amendment

2. The reply filed 12/30/2004 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brandon M. White on Tuesday, 25 January 2005.

The application has been amended as follows:

Regarding claims 1, 6 and 11, please insert on the last line --the arc-shaped side of-- after "overlaps" and before "said pickup".

Reasons for Allowance

4. Claims 1-4, 6 and 8-15 are allowed (renumbered 1-13, respectively).

The following is an examiner's statement of reasons for allowance:

This application is for a RECORDING MEDIUM PLAYBACK DEVICE.

- **Claims 1, 6 and 11** specify a recording medium playback device, which requires:

"wherein an outer circumferential edge on said carriage chassis side of said completely loaded recording medium overlaps the arc-shaped side of said pickup when said pickup is in a standby position."

Sanyo Electric Co. (Figures 16 to 19 and Figures 23 to 27) (DE 197 53 690 A1) shows the pickup 56, in the standby position, is situated on a vertical tangential plane, which is tangent to the outer circumferential edge of the recording medium as recited in claims 1, 6 and 11. Sanyo Electric Co. '690 further teaches in Figure 16, which is a plan view of the player main body portion 5 and is a diagram showing a portion of pickup arm 500, the pickup arm 500 has a concave circular arc-shaped portion which corresponds to the circular arc of disk 12 (col. 12, lines 50-54; also see Tamiya et al., US 6,198,716 B1, col. 11, lines 40-51, which is the English equivalent). However, Sanyo Electric Co. '690 does not teach, suggest or disclose an outer circumferential edge on the carriage chassis side of the completely loaded recording medium overlaps the arc-shaped side of the pickup when said pickup is in a standby position as claimed in the present invention.

Therefore, these features, in combination with other features of claims 1, 6 and 11 are not anticipated by, nor made obvious over, the closest prior art of record of Sanyo Electric Co. (DE 197 53 690 A1).

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5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 28, 2005


Christopher R. Magee
Patent Examiner
Art Unit 2653

GEORGE J. LETSCHER
PRIMARY EXAMINER